REMARKS

Claims 1-8, 11-27, 30-39, 42-59, 61-70, 73-101 and 104-124 are pending in the application.

Claims 1-8, 11-27, 30-39, 42-59, 61-70, 73-101 and 104-124 have been rejected.

Claims 30, 31, 61, 62, 92, 93, 123, and 124 have been amended.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-8, 15-27, 30-39, 46-58, 61-70, 77-101 and 108-124 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U.S. Patent No. 6,308,238 issued to Smith, et al., ("Smith") in view of U.S. Patent No. 6,003,064 issued to Wicki, et al., ("Wicki"). Applicants respectfully traverse this rejection. Applicants respectfully submit that the cited portions of Smith and Wicki, taken alone or in combination, fail to disclose all elements of Applicants claims.

In particular, Applicants respectfully submit that the proposed combination fails to disclose determining that a second network element requires additional data, where the determining is performed by a first network element without the additional data being requested by the second network element, pushing data from a receive buffer to a transmit buffer in response to the determining, and transferring the additional data to the second network element without the additional data being requested by the second network element, as recited by amended claim 1. The Office Action states that Smith discloses determining that a second network element requires additional data. Office Action, p. 3. Applicants respectfully disagree. The cited portions of Smith teach how data can be moved into a buffer. *See* Smith 13:39-14:55 and FIGs. 14-17. As stated in the Office Action, Smith moves data to a buffer based on the buffer capacity and the absence of an end of file indicator. Office Action, p. 2. Applicants respectfully submit that such factors do not constitute a determination of a network element's data requirements. For example, the network element may be flooded, but Smith is completely oblivious to such a condition as Smith fails to consider the network element's data requirements when

moving data to buffer. Alternatively, the network element may be starving, but in Smith, if there has been an end of file indicator, no more data gets moved to the output buffer. Again, this results from the fact that Smith fails to disclose determining that the network element requires additional data. Instead, Smith simply uses the fullness of a buffer to determine whether data can be moved into the buffer. Determining whether or not a buffer is full is not the same as determining that a network element requires additional data.

The cited portions of Smith merely disclose a method of satisfying a request for data. Smith fails to disclose the capability of avoiding additional requests for data by detecting that data is removed from a buffer and that a network element requires additional data. Smith's determination that a buffer is not full is not the same as the claimed determination that the network element requires additional data. Again, in Smith, the network element may be flooded and not require additional data, but there may be room in the buffer, so Smith keeps adding data to the buffer. However, once the end of file indicator is detected Smith has no way of determining whether the network element requires additional data and adding additional data to the buffer.

For at least the foregoing reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to claim 1 and claims 32, 63, and 94, which contain similar features, as well as all claims that depend therefrom, an indication of the allowability of same.

Applicants have amended claims 31, 62, 93, and 124 to include features related to releasing a control memory entry. Support for these amendments is found at, for example, page 13 of the Specification. No new matter is added. As disclosed in the Specification, the claimed two-stage operation reduces the need for extra memory to support multiple connections. Applicants respectfully submit that the cited references fail to disclose such teachings.

Claims 11, 13, 42, 44, 73, 75, 104, and 106 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Smith in view of Wicki and in further view of U.S. Patent No. 5,920,732 issued to Riddle ("Riddle"). Claims 12, 14, 43, 45, 74, 76, 105 and 107 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable

over Smith in view of Wicki and in further view of U.S. Patent No. 5,687,392 issued to Radko ("Radko"). Applicants respectfully traverse these rejections and submit that these claims are allowable for at least the foregoing reasons, as well as by virtue of depending from allowable base claims. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at (512) 439-5092.

The Applicants hereby petition for a two-month extension of time. If any additional extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, the Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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